

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

FRED WALTON PARHAM, M.D.)

**Physician's and Surgeon's
Certificate No. G 43938)**

Respondent)

Case No. 02-2010-206814

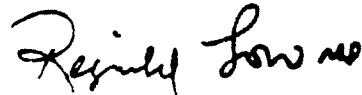
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 19, 2013.

IT IS SO ORDERED: June 20, 2013.

MEDICAL BOARD OF CALIFORNIA



**Reginald Low, M.D., Chair
Panel B**

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 ROBERT C. MILLER
Deputy Attorney General
4 State Bar No. 125422
1300 I Street, Suite 125
5 P.O. Box 944255
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 02-2010-206814

13 **FRED WALTON PARHAM, M.D.**
P.O. Box 6351
Vacaville, CA 95696

OAH No. 2012051066

14 Physician's and Surgeon's Certificate No. G43938

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

16
17 In the interest of a prompt and speedy settlement of this matter, consistent with the public
18 interest and the responsibility of the Medical Board of California of the Department of Consumer
19 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
20 which will be submitted to the Board for approval and adoption as the final disposition of the
21 Accusation.

22 **PARTIES**

23 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
24 California. She brought this action solely in her official capacity and is represented in this matter
25 by Kamala D. Harris, Attorney General of the State of California, by Robert C. Miller, Deputy
26 Attorney General.

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2. Respondent Fred Walton Parham, M.D. (Respondent) is represented in this proceeding by attorney Justin D. Hein, Esq., whose address is: North Pointe Business Center 3835 North Freeway Blvd., Ste. 228, Sacramento, CA 95834.

3. On or about December 15, 1980, the Medical Board of California issued Physician's and Surgeon's Certificate No. G43938 to Fred Walton Parham, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 02-2010-206814 and will expire on June 30, 2014, unless renewed.

JURISDICTION

4. Accusation No. 02-2010-206814 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 14, 2011. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 02-2010-206814 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 02-2010-206814. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 02-2010-206814, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G43938 issued to Respondent Fred Walton Parham, M.D. (Respondent) is revoked. However, revocation is stayed and Respondent is placed on probation for three (3) years under the following terms and conditions:

1. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping equivalent to the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide the program with any information and documents that the Program may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its

1 designee not later than 15 calendar days after successfully completing the course, or not later than
2 15 calendar days after the effective date of the Decision, whichever is later.

3 2. PROFESSIONAL ENHANCEMENT PROGRAM. Within sixty (60) calendar days
4 of the effective date of this Decision, Respondent shall participate in a professional enhancement
5 program equivalent to the one offered by the Physician Assessment and Clinical Education
6 Program at the University of California, San Diego School of Medicine, which shall include
7 quarterly chart review, semi-annual practice assessment, and semi-annual review of professional
8 growth and education. Respondent shall participate in the professional enhancement program at
9 Respondent's expense during the term of probation, or until the Board or its designee determines
10 that further participation is no longer necessary.

11 3. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
12 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
13 Chief Executive Officer at every hospital where privileges or membership are extended to
14 Respondent, at any other facility where Respondent engages in the practice of medicine,
15 including all physician and locum tenens registries or other similar agencies, and to the Chief
16 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
17 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
18 calendar days.

19 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

20 4. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
21 prohibited from supervising physician assistants.

22 5. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
23 governing the practice of medicine in California and remain in full compliance with any court
24 ordered criminal probation, payments, and other orders.

25 6. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
26 under penalty of perjury on forms provided by the Board, stating whether there has been
27 compliance with all the conditions of probation.

28 Respondent shall submit quarterly declarations not later than 10 calendar days after the end

1 of the preceding quarter.

2 7. GENERAL PROBATION REQUIREMENTS.

3 Compliance with Probation Unit

4 Respondent shall comply with the Board's probation unit and all terms and conditions of
5 this Decision.

6 Address Changes

7 Respondent shall, at all times, keep the Board informed of Respondent's business and
8 residence addresses, email address (if available), and telephone number. Changes of such
9 addresses shall be immediately communicated in writing to the Board or its designee. Under no
10 circumstances shall a post office box serve as an address of record, except as allowed by Business
11 and Professions Code section 2021(b).

12 Place of Practice

13 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
14 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
15 facility.

16 License Renewal

17 Respondent shall maintain a current and renewed California physician's and surgeon's
18 license.

19 Travel or Residence Outside California

20 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
21 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
22 (30) calendar days.

23 In the event Respondent should leave the State of California to reside or to practice
24 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
25 departure and return.

26 8. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
27 available in person upon request for interviews either at Respondent's place of business or at the
28 probation unit office, with or without prior notice throughout the term of probation.

1 9. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
2 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
3 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
4 defined as any period of time Respondent is not practicing medicine in California as defined in
5 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
6 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All
7 time spent in an intensive training program which has been approved by the Board or its designee
8 shall not be considered non-practice. Practicing medicine in another state of the United States or
9 Federal jurisdiction while on probation with the medical licensing authority of that state or
10 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
11 not be considered as a period of non-practice.

12 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
13 months, Respondent shall successfully complete a clinical training program that meets the criteria
14 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
15 Disciplinary Guidelines" prior to resuming the practice of medicine.

16 Respondent's period of non-practice while on probation shall not exceed two (2) years.

17 Periods of non-practice will not apply to the reduction of the probationary term.

18 Periods of non-practice will relieve Respondent of the responsibility to comply with the
19 probationary terms and conditions with the exception of this condition and the following terms
20 and conditions of probation: Obey All Laws; and General Probation Requirements.

21 10. COMPLETION OF PROBATION. Respondent shall comply with all financial
22 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
23 completion of probation. Upon successful completion of probation, Respondent's certificate shall
24 be fully restored.

25 11. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
26 of probation is a violation of probation. If Respondent violates probation in any respect, the
27 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
28 carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation,

1 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
2 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
3 the matter is final.

4 12. LICENSE SURRENDER. Following the effective date of this Decision, if
5 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
6 the terms and conditions of probation, Respondent may request to surrender his or her license.
7 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
8 determining whether or not to grant the request, or to take any other action deemed appropriate
9 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
10 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
11 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
12 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
13 application shall be treated as a petition for reinstatement of a revoked certificate.

14 13. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
15 with probation monitoring each and every year of probation, as designated by the Board, which
16 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
17 California and delivered to the Board or its designee no later than January 31 of each calendar
18 year.

19 ACCEPTANCE

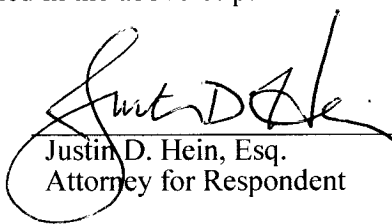
20 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
21 discussed it with my attorney, Justin D. Hein, Esq. I understand the stipulation and the effect it
22 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
23 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
24 Decision and Order of the Medical Board of California.

25
26 DATED: March 27, 2013 Fred Walton Parham, M.D.
27 FRED WALTON PARHAM, M.D.
28 Respondent

1
2 I have read and fully discussed with Respondent Fred Walton Parham, M.D. the terms and
3 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

4 I approve its form and content.

5 DATED: 3/29/13


Justin D. Hein, Esq.
Attorney for Respondent

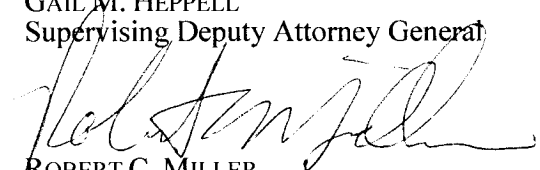
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7
8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
10 submitted for consideration by the Medical Board of California of the Department of Consumer
11 Affairs.

12 Dated: 4/10/13

Respectfully submitted,

13 KAMALA D. HARRIS
14 Attorney General of California
15 GAIL M. HEPPPELL
16 Supervising Deputy Attorney General


17 ROBERT C. MILLER
18 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 02-2010-206814

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 ROBERT C. MILLER
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 14, 2011
BY Kamala D. Harris

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 02-2010-206814

12 **FRED WALTON PARHAM, M.D.**

A C C U S A T I O N

13 P.O. Box 2445
Vacaville, CA 95696

14 Physician's and Surgeon's Certificate No. G43938,

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

21 2. On or about December 15, 1980, the Medical Board of California issued Physician's
22 and Surgeon's Certificate Number G43938 to Fred Walton Parham, M.D. (Respondent). The
23 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
24 charges brought herein and will expire on June 30, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Medical Board of California (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division¹ deems proper.

5. Section 2234 of the Code states in pertinent part:

"The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

”
.....

6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

FIRST CAUSE FOR DISCIPLINE

[Bus. & Prof. Code sec. 2243(c)]
(Repeated Negligent Acts)

7. Respondent is subject to disciplinary action under section 2234 subdivision (c) of the Code in that he committed acts of repeated negligence in the care and treatment of forty-two (42) patients. The circumstances are as follows:

¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical Practice Act (Cal. Bus. & Prof. Code, §§ 2000, et seq.) means the “Medical Board of California,” and references to the “Division of Medical Quality” and “Division of Licensing” in the Act or any other provision of law shall be deemed to refer to the Board.

1 8. On or about May 7, 2010, The Northbay Healthcare Group ("NBHG"; also
2 "hospital") in Fairfield, Solano County, filed a Business and Professions Code section 805 report,
3 detailing the suspension of Respondent's privileges based on his failure to complete and
4 document History and Physical examinations (H&P) of patients within 24-hours of the patient's
5 admission.

6 9. The standard of care for medical practice in California is to keep timely, accurate
7 records, and for the documentation of the H&P for acute care patients to be placed in the patient's
8 medical chart no later than twenty-four (24) hours after admission to the hospital.

9 10. The patient charts reviewed by NBHG in the peer review procedure, which resulted in
10 the suspension of Respondent's privileges, were also reviewed by medical experts for
11 Complainant. These patient charts are identified by billing number to preserve patient privacy.

12 11. Patient 857, a 59-year-old white female was admitted to the hospital on May 12, 2008
13 at 4:30 a.m. The H&P was dictated and signed by Respondent on May 21, 2008 at 11:51 p.m.,
14 which was more than a week after the patient had been admitted.

15 12. Patient 330, a 73-year-old was admitted to the hospital on August 16, 2008. The
16 H&P was dictated and signed by Respondent on August 28, 2008, which was more that a week
17 after the patient was admitted to the hospital.

18 13. Patient 390, a 70-year-old was admitted to the hospital on August 16, 2008. The
19 H&P was dictated on August 19, 2008, three days after the patient's admission to the hospital.
20 The H&P was not signed by Respondent until August 28, 2008.

21 14. Patient 455, a 62-year-old African-American female was admitted to the hospital on
22 August 17, 2008 at 8:56 a.m. The H&P was dictated by Respondent on August 19, 2008, and
23 was not signed by Respondent until September 2, 2008.

24 15. Patient 849, a 69-year-old was admitted to the hospital on August 19, 2008. The H&P was
25 dictated by Respondent on August 24, 2008, and was not signed by Respondent until October 1,
26 2008.

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1 16. Patient 435, a 79-year-old white male was admitted to the hospital on August 20,
2 2008. The H&P was dictated by Respondent on August 24, 2008, and was not signed by
3 Respondent until September 2, 2008.

4 17. Patient 832, a 78-year-old white male was admitted to the hospital on August 24,
5 2008. The H&P was dictated by Respondent on August 26, 2008, and was not signed by
6 Respondent until September 1, 2008.

7 18. Patient 090, an 80-year-old African-American female was admitted to the hospital on
8 December 11, 2008. The H&P was dictated and signed by Respondent on December 22, 2008.

9 19. Patient 434, an 88-year-old Hispanic female was admitted to the hospital on
10 December 10, 2008. The H&P was dictated and signed by Respondent on December 24, 2008.

11 20. Patient 161, a 48-year-old Hispanic female was admitted to the hospital on
12 December 11, 2008. The H&P was dictated by Respondent on December 22, 2008, and was not
13 signed by Respondent until December 26, 2008.

14 21. Patient 387, a 70-year-old white female was admitted to the hospital on December 15,
15 2008. The H&P was dictated by Respondent on January 9, 2009.

16 22. Patient 301, an 81-year-old female was admitted to the hospital on March 4, 2009.
17 The H&P was dictated and signed by Respondent on March 19, 2009.

18 23. Patient 689, a 40-year-old was admitted to the hospital on March 12, 2009. The H&P
19 was dictated by Respondent on April 2, 2009.

20 24. Patient 955, a 96-year-old female was admitted to the hospital on March 16, 2009.
21 The H&P was dictated by Respondent on April 3, 2009, and was not signed by Respondent until
22 April 9, 2009.

23 25. Patient 816, a 43-year-old white female was admitted to the hospital on March 16,
24 2009. The H&P was dictated by Respondent on April 2, 2009, and was not signed by Respondent
25 until April 3, 2009.

26 26. Patient 190, a 52-year-old white female was admitted to the hospital on January 26,
27 2009. The H&P was dictated by Respondent on March 27, 2009, and was not signed by
28 Respondent until March 29, 2009.

1 27. Patient 322, a 70-year-old white female was admitted to the hospital on December 3,
2 2009. The H&P was dictated and signed by Respondent on December 4, 2009, and was not
3 signed by Respondent until four hours later on December 4, 2009. That was 24 hours, 21 minutes
4 after admission.

5 28. Patient 321, a 70-year-old Laotian female was admitted to the hospital on
6 December 3, 2009. The H&P was dictated by Respondent on December 4, 2009, and was not
7 signed by Respondent until December 11, 2009.

8 29. Patient 302, a 61-year-old female was admitted to the hospital on December 3, 2009.
9 The H&P was dictated by Respondent on December 4, 2009, and was not signed by Respondent
10 until December 11, 2009, the day after the patient was discharged.

11 30. Patient 337, an 87-year-old Hispanic female was admitted to the hospital on
12 December 3, 2009. The H&P was dictated by Respondent on December 4, 2009, and was not
13 signed by Respondent until December 8, 2009.

14 31. Patient 457, a 62-year-old Filipino male was admitted to the hospital on December 6,
15 2009. The H&P was dictated by Respondent on December 7, 2009, and was not signed by
16 Respondent until December 8, 2009.

17 32. Patient 549, a 66-year-old Hispanic female was admitted to the hospital on
18 December 8, 2009. The H&P was dictated by Respondent on December 10, 2009, and was not
19 signed by Respondent until December 11, 2009.

20 33. Patient 089, a 69-year-old was admitted to the hospital on December 12, 2009. The
21 H&P was dictated by Respondent on December 14, 2009, and was not signed by Respondent until
22 January 7, 2010.

23 34. Patient 449, a 77-year-old white male was admitted to the hospital on December 13,
24 2009. The H&P was dictated by Respondent on December 14, 2009, and was not signed by
25 Respondent until December 23, 2009.

26 35. Patient 399, a 54-year-old was admitted to the hospital on December 23, 2009. The
27 H&P was dictated and signed by Respondent on December 25, 2009.

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1 36. Patient 530, a 60-year-old female was admitted to the hospital on December 21, 2009.
2 The H&P was dictated by Respondent on December 25, 2009, and not signed by Respondent until
3 January 14, 2010.

4 37. Patient 531, a 63-year-old white male was admitted to the hospital on December 24,
5 2009. The H&P was dictated by Respondent on December 25, 2009, which was 30 hours and 90
6 minutes after admission.

7 38. Patient 829, a 28-year-old African-American male was admitted to the hospital on
8 March 18, 2010. The H&P was dictated by Respondent on March 19, 2010, which was 26 hours
9 and 40 minutes after admission.

10 39. Patient 325, a 64-year-old white female was admitted to the hospital on March 18,
11 2010. The H&P was dictated by Respondent on March 25, 2010.

12 40. Patient 866, a 60-year-old Hispanic male was admitted to the hospital on March 20,
13 2010. The H&P was dictated by Respondent on March 21, 2010, which was 36 hours and 3
14 minutes after admission.

15 41. Patient 804, a 74-year-old female was admitted to the hospital on March 20, 2010.
16 The H&P was dictated by Respondent on March 22, 2010.

17 42. Patient 994, a 31-year-old white female was admitted to the hospital on March 21,
18 2010. The H&P was dictated by Respondent on March 23, 2010.

19 43. Patient 021, a 75-year-old white male was admitted to the hospital on March 22,
20 2010. The H&P was dictated by Respondent on March 23, 2010, and was not signed by
21 Respondent until April 4, 2010.

22 44. Patient 052, an 88-year-old white female was admitted to the hospital on March 21,
23 2010. The H&P was dictated by Respondent on March 23, 2010.

24 45. Patient 615, an 87-year-old white female was admitted to the hospital on March 24,
25 2010. The H&P was dictated by Respondent on March 26, 2010.

26 46. Patient 823, a 79-year-old Vietnamese female was admitted to the hospital on
27 March 29, 2010. The H&P was dictated by Respondent on March 30, 2010, and not signed by
28 Respondent until April 20, 2010.

47. Patient 456, a patient of unknown age was admitted to the hospital on March 29, 2010. The H&P was dictated by Respondent on March 30, 2010, which was 25 hours, 18 minutes after admission.

48. Patient 466, a 94-year-old white male was admitted to the hospital on March 29, 2010. The H&P was dictated by Respondent on March 30, 2010, which was 25 hours and 50 minutes after admission.

49. Patient 837, a 50-year-old white female was admitted to the hospital on March 29, 2010. The H&P was dictated by Respondent on March 30, 2010, which was 24 hours and 51 minutes after admission.

50. Patient 816, a 41-year-old was admitted to the hospital on April 4, 2010. The H&P was dictated by Respondent on April 6, 2010.

51. Patient 514, a 30-year-old white female was admitted to the hospital on April 5, 2010. The H&P was dictated by Respondent on April 6, 2010, which was 26 hours and 34 minutes after admission and the day after the patient was discharged from the hospital.

52. Patient 553, a 76-year-old was admitted to the hospital on April 5, 2010. The H&P was dictated by Respondent on April 6, 2010, which was 25 hours and 7 minutes after admission.

53. Respondent's conduct involving any two or more of the patients described above constitutes acts of repeated negligence in violation of section 2234 (c) of the Code and is grounds for discipline against Respondent's license.

SECOND CAUSE FOR DISCIPLINE

[Bus. & Prof. Code sec. 2266]
(Failure to Maintain Adequate Medical Records)

54. Respondent is subject to disciplinary action under section 2266 of the Code in that he failed to properly maintain adequate medical records for forty-two (42) patients. The circumstances are as follows:

55. Paragraphs 8 through 52, above are repeated here as if fully set forth.

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56. Respondent's conduct, as described above, in failing to dictate and chart the patients' H&P in a timely manner constitutes a violation of section 2266 of the Code and is grounds for discipline against Respondent's license.

DISCIPLINE CONSIDERATIONS

57. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges the following prior disciplinary actions taken against the Physician's and Surgeon's Certificate of Fred Walton Parham, M.D., by the Medical Board of California:

a) Effective March 26, 1997, in case number 12-94-44897, Respondent's license was revoked, but the revocation stayed and the license placed on two (2) years probation. Respondent was found to have violated section 2234 (c) of the Code, dishonest and corrupt acts, by soliciting and receiving personal loans totaling \$16,250.00 from forty-three (43) of his patients. As terms of that probation, Respondent was ordered to take an ethics course and make full restitution to his patients.

b) Effective July 19, 1999, in case number D1-94-44897, Respondent's license was again revoked, but revocation stayed and the license placed on four (4) years probation. This additional discipline was based on Respondent's violation of the earlier probationary order in that he failed to pay any restitution to his patients.

c) Effective April 2, 2003, in case number D2-1994-44897, Respondent's license was again revoked but revocation stayed for a third time and the license placed on three (3) years probation. That discipline was based on a violation of the terms of his probation—Respondent had failed to make full restitutions to his patients, still owing over \$6,000.00—and based on new unprofessional conduct involving repeated negligent acts in the care and treatment of a patient in violation of section 2234 (c) of the Code. Terms of probation included additional education courses, a practice monitor, and paying the outstanding restitution.

Those decisions are now final and are incorporated by reference as if fully set forth.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

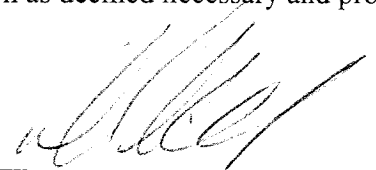
4 1. Revoking or suspending Physician's and Surgeon's Certificate Number G43938,
5 issued to Fred Walton Parham, M.D.;

6 2. Revoking, suspending or denying approval of Fred Walton Parham, M.D.'s authority
7 to supervise physician assistants, pursuant to section 3527 of the Code;

8 3. Ordering Fred Walton Parham, M.D., if placed on probation, to pay the Medical
9 Board of California the costs of probation monitoring;

10 4. Taking such other and further action as deemed necessary and proper.

11
12 DATED: July 14, 2011


13 LINDA K. WHITNEY
14 Executive Director
15 Medical Board of California
16 Department of Consumer Affairs
17 State of California
18 Complainant

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